

Summons in a Civil Action (Rev 11/97)

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 11 PM 12:42

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

John Otten

VS.

SUMMONS IN A CIVIL ACTION

Case No. 08 CV 0254 JM JMA

PPR

DEPUTY

mortgage Homecomings Financial
Navy Federal Credit Union
World Savings

TO: (Name and Address of Defendant)

Homecomings Financial mortgage
P.O. Box 205
Waterloo, IA 50104

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEY

John Otten
2689 Dalgary St.
San Diego, CA 92154

An answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

2/11/08

DATE

By

C. PUSTMANN

Deputy Clerk

Summons in a Civil Action

Page 1 of 2

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me		DATE <u>2/11/08</u>	
NAME OF SERVER <u>Sean Chavira</u>		TITLE: <u>Independent messenger</u>	
Check one box below to indicate appropriate method of service			
<p>Served personally upon the defendant. Place where served: _____</p> <p>Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:</p> <p>Name of person with whom the summons and complaint were left: _____</p> <p>Return unexecuted:</p> <p>Other (specify): <u>by Certified mail to Address shown on Court. Certified Return Receipt US. Postal Service</u></p>			
STATEMENT OF SERVICE FEES			
TRAVEL <u>—</u>		SERVICES <u>11</u>	TOTAL \$0.00 <u>11.00</u>
DECLARATION OF SERVER <u>Penalty</u>			
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p>			
Executed on: <u>2/11/08</u>		Date	
		Signature of Server <u>Sean Chavira</u>	
Address of Server _____			
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
<p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

C. P. H. 19.0